



Comptroller General
of the United States
Washington, D.C. 20548

145293
Has further

Decision

Matter of: Microform Inc.
File: B-246253
Date: November 13, 1991

James P. Ruocchio, Jr., for the protester.
Kerry L. Miller, Esq., United States Government Printing Office, for the agency.
David Hasfurther, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Since the Committee for Purchase from the Blind and Other Severely Handicapped is vested with exclusive authority to determine whether particular commodities or services should be acquired from qualified workshops for the blind or other severely handicapped individuals under the Javits-Wagner-O'Day Act, 41 U.S.C. § 46-48c (1988), and since procuring agencies are required to obtain such commodities or services from workshops designated by the Committee, the General Accounting Office has no basis to object to the agency's purchase of its needs from a designated workshop.

DECISION

Microform, Inc. protests the decision of the United States Government Printing Office to set aside certain microfiche requirements of the Office of the Federal Register for procurement from the workshop designated by the Committee for Purchase from the Blind and Other Severely Handicapped. We dismiss the protest.

The agency had originally intended to procure these requirements competitively under solicitation No. C151-S, but canceled the agency solicitation prior to opening when it was notified by letter of October 25, 1991, that the Committee, pursuant to its authority under the Javits-Wagner-O'Day Act (Act), 41 U.S.C. §§ 46-48c (1988), had added the requirements to its procurement list of commodities and services to be produced or provided by workshops for blind or severely handicapped individuals. Microform requests that the requirements be solicited on a competitive basis.

Under the Act, once a commodity or service has been added to the Committee's procurement list, contracting agencies are required to procure the commodity or service directly from the workshops for blind or other severely handicapped individuals designated by the Committee to increase employment opportunities for those individuals. The Committee is authorized to add and delete commodities and services from the list as it deems appropriate. Abel Converting, Inc., 67 Comp. Gen. 307 (1988), 88-1 CPD ¶ 233. Decisions of the Committee to add a commodity or service to the procurement list are not subject to review by our Office in light of the exclusive authority vested in the Committee to establish and maintain the list in accordance with the overall purpose of the Act. Id.

Since the contracting agency is bound to purchase commodities and services designated by the Committee from the designated workshops and since decisions leading to these designations are not subject to review by our Office, Microform has not stated a valid basis of protest. 4 C.F.R. § 21.3(m) (1991).

The protest is dismissed.



Michael R. Golden
Assistant General Counsel